



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2018-01561

April 4, 2019

Via email: foia@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th St., NW, Suite B255
Washington, DC 20005

Dear Mr. Evers:

On August 24, 2018, you filed a Freedom of Information Act (FOIA) request seeking the following:

- All records reflecting the source and/or value of the taxidermied elk, bison, and/or grizzly bear trophies displayed in Secretary Zinke's office.
- All records reflecting the cost of transporting, mounting, and/or displaying the taxidermied elk, bison, and/or grizzly bear trophies displayed in Secretary Zinke's office
- Any guidance or memoranda provided to Secretary Zinke regarding the propriety of accepting taxidermied elk, bison, and/or grizzly bear trophies on display in his office, including but not limited to ethics guidance.

On September 6, 2018, we acknowledged your request and informed you of your fee status under the FOIA.

We are writing to today to respond to your request. Please find attached one file consisting of 21 pages. Of those 21 pages, 19 pages are being released in full and two pages contain redactions as described below.

Portions of the documents may be redacted pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) because they fit certain categories of information:

**Birth Dates
Social Security Numbers**

Mr. Austin Evers

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The courts have held that the phrase “similar files” involves all information that applies to a particular person. Hertzberg v. Veneman, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a “balancing test.” This means that we must weigh the individual’s right to privacy against the public’s right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.
- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency’s statutory duties”).
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat’l Ass’n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Gabe Lohr, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

Fees

Because your entitlements as an “other-use requester” (*see* 43 C.F.R. § 2.39) were sufficient to cover all applicable FOIA charges, there is no billable fee for the processing of this request.

Appeals

You may appeal this decision to the Department’s FOIA/Privacy Act Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 PM Eastern time, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Attn: FOIA/Privacy Act Appeals Officer

Mr. Austin Evers

U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS6556 MIB
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the response letter. You must also include, in as much detail as possible, an explanation of why you believe the Office of the Secretary's response was in error. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Officer determines (in her sole discretion) that good cause exists to accept the defective appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. For more information on FOIA administrative appeals, including how the Department will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

The National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769

Mr. Austin Evers

Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Leah Fairman by phone at 202-208-6045, by fax at 202-219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

Sincerely,

CLARICE JULKA

Clarice Julka
Office of the Secretary
FOIA Officer

Digitally signed by CLARICE
JULKA
Date: 2019.04.04 09:58:13
-04'00'

From: Guiden, Nancy <nancy_guiden@ios.doi.gov>
Sent: Monday, March 20, 2017 1:19 PM
To: Diana Ziegler
Subject: Bison and Elk

Diana,
Secretary Zinke, through me, authorizes you or your representatives to mount both the Bison and Elk heads in his immediate office. Should that require attaching rings to the heads, you are authorized to do that also. However, the Secretary's preference is to mount them directly to the wall.

Please let me know if you have any questions or need further clarification. Thank you.

Vr,

Nancy Guiden
U.S. Department of the Interior
Immediate Office of the Secretary
Washington, DC 20240
202-208-6087
nancy_guiden@ios.doi.gov

From: Guiden, Nancy <nancy_guiden@ios.doi.gov>
Sent: Thursday, March 16, 2017 2:47 PM
To: Joe Nassar
Subject: Bison and Elk

Joe,
I am told that both the Bison and the Elk are loaned by personal friends of the Secretary from Montana. I am trying to locate the names and contact information for them both.

Vr,

Nancy Guiden
U.S. Department of the Interior
Immediate Office of the Secretary
Washington, DC 20240
202-208-6087
nancy_guiden@ios.doi.gov

From: Ziegler, Diana <diana_ziegler@ios.doi.gov>
Sent: Monday, March 20, 2017 1:22 PM
To: Guiden, Nancy
Cc: Joe Nassar
Subject: Re: Bison and Elk

Thanks for the update. Glad to know we can proceed! Is the conference room across from your office available? If it works for you, we can start the work in there and get the heads prepped for installation.

Best,

Diana

On Mon, Mar 20, 2017 at 1:18 PM, Guiden, Nancy <nancy_guiden@ios.doi.gov> wrote:

Diana,

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Washington, DC 20240
202-208-1169 Fax 202-208-1535
www.doi.gov/interiormuseum
Follow us on Facebook:
<http://www.facebook.com/InteriorMuseum>

From: Joe Nassar <joseph_w_nassar@ios.doi.gov>
Sent: Thursday, March 16, 2017 2:48 PM
To: Guiden, Nancy
Subject: Re: Bison and Elk

Ok - thanks for your help.

Joe Nassar
Director, Office of Facilities and Administrative Services
Department of the Interior
Office: 202-208-5617
Cell: 202-436-2041
joseph_w_nassar@ios.doi.gov

On Mar 16, 2017, at 2:47 PM, Guiden, Nancy <nancy_guiden@ios.doi.gov> wrote:

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nancy_guiden@ios.doi.gov

From: Guiden, Nancy <nancy_guiden@ios.doi.gov>
Sent: Monday, March 20, 2017 3:05 PM
To: Ziegler, Diana
Cc: Joe Nassar
Subject: Re: Bison and Elk

Thank you both so very much.

Vr,

Nancy Guiden
U.S. Department of the Interior
Immediate Office of the Secretary
Washington, DC 20240
202-208-6087
nancy_guiden@ios.doi.gov

On Mon, Mar 20, 2017 at 3:04 PM, Ziegler, Diana <diana_ziegler@ios.doi.gov> wrote:
Hi Nancy:

Thank you for facilitating the Museum's access to the heads this afternoon. We removed the two heads from their custom crates and installed D-rings on the bison to see if the gallery hanging system could accommodate it. Unfortunately, the bison was too top heavy. Jason and I met with Joe Nassar and his team will move forward with installation directly into the walls. Thank you for your patience as we took these extra steps in an attempt to preserve the historic woodwork. Joe will continue to coordinate with you to finish this project up.

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Yes. Perfect.

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From: Fox, Scotty <scotty_fox@ios.doi.gov>
Sent: Friday, March 10, 2017 1:49 PM
To: Smethers, Lacey
Cc: OFAS, Moving Services; Nassar, Joe; Nancy Guiden
Subject: Re: Delivery/Pick-Up Protocol (House Office Buildings)

Lacey,

Please give a window of time between 10:00 am and 1:00 pm on Monday March 13, 2017 to pick up the elk and bison head.

On Fri, Mar 10, 2017 at 1:31 PM, Smethers, Lacey <Lacey.Smethers@mail.house.gov> wrote:

The crates containing the elk and bison head are in our office. What time Monday would work best for you to come pick them up?

From: monty_burkhalter@ios.doi.gov [mailto:monty_burkhalter@ios.doi.gov] **On Behalf Of** OFAS, Moving Services
Sent: Thursday, March 09, 2017 12:56 PM
To: Smethers, Lacey
Subject: Re: Delivery/Pick-Up Protocol (House Office Buildings)

Is there a time frame we need to be there?

Monty

On Thu, Mar 9, 2017 at 12:52 PM, Smethers, Lacey <Lacey.Smethers@mail.house.gov> wrote:

Here is a list of what will be needing picked up tomorrow. If you need any other information, please let me know.

List of items being removed from 1419 Longworth:

8 "Bankers Boxes"

6 medium-height boxes containing framed pictures

4 sealed medium square boxes containing books and photos

1 large bubble-wrapped picture

1 large red and black duffel bag

1 mounted Bison head

1 mounted Elk head

1 bulletin board

Lacey Smethers

Staff Assistant

Montana House Congressional Office

1419 Longworth HOB | 202-225-3211 |

From: monty_burkhalter@ios.doi.gov [mailto:monty_burkhalter@ios.doi.gov] **On Behalf Of** OFAS, Moving Services

Sent: Thursday, March 09, 2017 12:20 PM

To: Smethers, Lacey; Scotty Fox

Subject: Re: Delivery/Pick-Up Protocol (House Office Buildings)

Lacey,

Below is the information you requested:

US Dept of Interior

Driver will be : Monty Burkhalter

(b) (6)

Assistant Driver: Albert Taylor

(b) (6)

We will be driving a Government Straight Truck, info below:

Govt Tag: G71 0484S

2016 White F-650 Straight Truck with Lift Gate

If you need anymore information, please do not hesitate to ask or call, I can be reached at:

202-208-3737

Monty

On Thu, Mar 9, 2017 at 10:14 AM, Smethers, Lacey <Lacey.Smethers@mail.house.gov> wrote:

Hi Scotty and Kenny,

The bison and elk heads still have not been taken down. However, I need some information from you to submit to the Sergeant at Arms to get approval for you to arrive tomorrow to get Secretary Zinke's things. I will be compiling the list of items to be moved today, but I need the following information highlighted in red. Thank you!

Vendor Information: (Driver/Personnel/Vehicle Information)

- 1. Vendor Name***
- 2. Driver name (please include: Social Security #, DOB)***
- 3. Names of Personnel in the vehicle assisting with the delivery or pick-up, if any (please include: Social Security #, DOB)***
- 4. Make, model, tag info (alphanumeric/state)***

Lacey Smethers

Staff Assistant

Montana House Congressional Office

1419 Longworth HOB | 202-225-3211 |

--

Scotty L.Fox Jr
Supervisory Property Management Specialist
US Department of the Interior
Office of Facilities and Administrative Service
1849 C Street N.W. Room 1746
Washington, DC 20240
Office (202) 208-1377
Cell (202) 345-8983
scotty_fox@ios.doi.gov

Please visit the OFAS Website: <http://www.doi.gov/ofas>

From: monty_burkhalter@ios.doi.gov on behalf of OFAS, Moving Services
<moving_services@ios.doi.gov>
Sent: Monday, March 13, 2017 12:37 PM
To: Fox, Scotty; Monty Burkhalter; Albert Taylor
Cc: Smethers, Lacey; Nassar, Joe; Nancy Guiden
Subject: Re: Delivery/Pick-Up Protocol (House Office Buildings)

Lacey,

All is well, the heads made it back safe and are upstairs.. Thank you for all the assistance on your end, it made the move so much easier.

Monty

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